FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Writ Petition No. 931/2007
(Baliram Pakru Mandhre & others VERSUS Union of India & others)

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

Mr. Khajanchi, counsel for the petitioner.
Mr. Patil, counsel for the respondent nos.1 and 2.
Mr. Dharmadhikari, counsel for the respondent nos.8 and 9.

CORAM : D.D.SINHA AND
SMT. VASANTI A. NAIK, JJ.
DATE : DECEMBER 7, 2007.

Heard Mr. Khajanchi, the learned counsel for the petitioners, Mr. Patil, the learned counsel for the respondent nos.1 and 2 and Mr.Dharmadhikari, the learned counsel for the respondent nos.8 and 9.

The counsel for the petitioner states that in the present petition the public cause is limited to the lake situated in Survey no.2 of Mouza Vijasan and and Survey no.47 of Mouza Nagrala, Tahsil Bhadravati. The counsel for the petitioner submitted that in the instant case, the respondent nos.8 and 9 have been allotted blocks of coal mining lease by respondent no. 1, Government of India. The area which is allotted includes area of these two lakes, and therefore, the

petitioners have come before this Court seeking appropriate direction.

During the pendency of the petition, the respondent nos.8 and 9 filed an undertaking dated 06.12.2007 wherein it is stated thus-----

“Respondents 8 and 9 hereby tender their unequivocal undertaking that they shall not commence any mining work in the two water bodies, one situated at Survey No.2, old Survey No.47, Mouza Vijasan, in Tahsil Bhadrawati comprising of an area of 20.72 Hectares and the other situated at Survey No. 24, Old Survey No.382, Mouza Nagrala, in Tahsil Bhadrawati comprising of an area of 4.74 Hectares, for a period of 8 weeks after all the environmental clearances and permissions required by law are obtained and duly intimated to the Petitioner's Counsel Mr. Mohit Khajanchi.”

The counsel for the petitioner states that in view of the above referred undertaking, the interest of the petitioner is protected, and therefore, prays to withdraw the instant petition.

We have considered the contentions canvassed by the respective counsels, undisputed facts referred to hereinabove and the undertaking

dated 06.12.2007 filed by respondent nos.8 & 9.

In the circumstances, it appears that the grievance made by the petitioner appears to have been redressed at this stage.

Consequently, the writ petition is disposed of as withdrawn. Needless to mention that the concerned authorities are expected to follow all the statutory procedures and rules applicable in this regard before taking final decision in the matter. The issues raised in the petition are kept open.

JUDGE JUDGE

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